IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

SCANNING TECHNOLOGIES
INNOVATIONS LLC,

      Plaintiff,

vs.

BRIGHTPEARL, INC.

      Defendant.

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Case No: 6:20-cv-114

PATENT CASE

ORIGINAL COMPLAINT

Pursuant to F.R.C.P. 15(a)(1)(B), Plaintiff Scanning Technologies Innovations, LLC ("Plaintiff" or "STI") files this Original Complaint against Brightpearl, Inc. ("Defendant" or "Brightpearl") for infringement of United States Patent No. 9,934,528 (hereinafter "the '528 Patent").

PARTIES AND JURISDICTION

1.   This is an action for patent infringement under Title 35 of the United States Code. Plaintiff is seeking injunctive relief as well as damages.

2.   Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent infringement arising under the United States patent statutes.

3.   Plaintiff is a Texas limited liability company having an address of 1801 NE 123 St., Suite 314, Miami, FL 33181.

4.   On information and belief, Defendant is a Delaware corporation having a principle place of business at 211 E. 7th St., Suite 110, Austin, TX, 78701. On information and

belief, Defendant may be served through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

5.   On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6.   On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7.   Venue is proper in this District 28 U.S.C. §1400(b) because Defendant is deemed to reside in this district. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I
(INFRINGEMENT OF UNITED STATES PATENT NO. 9,934,528)

8.   Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9.   This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq*.

10.   Plaintiff is the owner by assignment of the '528 Patent with sole rights to enforce the '528 Patent and sue infringers.

11.   A copy of the '528 Patent, titled "Systems and Methods for Indicating the Existence of Accessible Information Pertaining to Articles of Commerce," is attached hereto as Exhibit A.

12.   The '528 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

13.   Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 1, of the '528 Patent by making, using, importing, selling, and/or offering for sale a point of sale system and app covered by one or more claims of the '528 Patent. Defendant has infringed and continues to infringe the '528 Patent directly in violation of 35 U.S.C. § 271.

14.   Defendant sells, offers to sell, and/or uses an online ordering system including, without limitation, the Brightpearl POS point-of-sale system, Brightpearl app, and any similar products (collectively, "Product"), which infringe at least Claim 1 of the '528 Patent.

15.   The Product practices a system (e.g., Brightpearl POS) for indicating an existence of a link (e.g., indication of existence of a link obtained by selecting a checkbox of "Available in Point of Sale i.e. On hand quantity") to information pertaining to an article of commerce (e.g., products sold through POS). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

iPads

The Brightpearl POS app can be run in any iPad supporting iOS 11 or above as well as iPadOS:

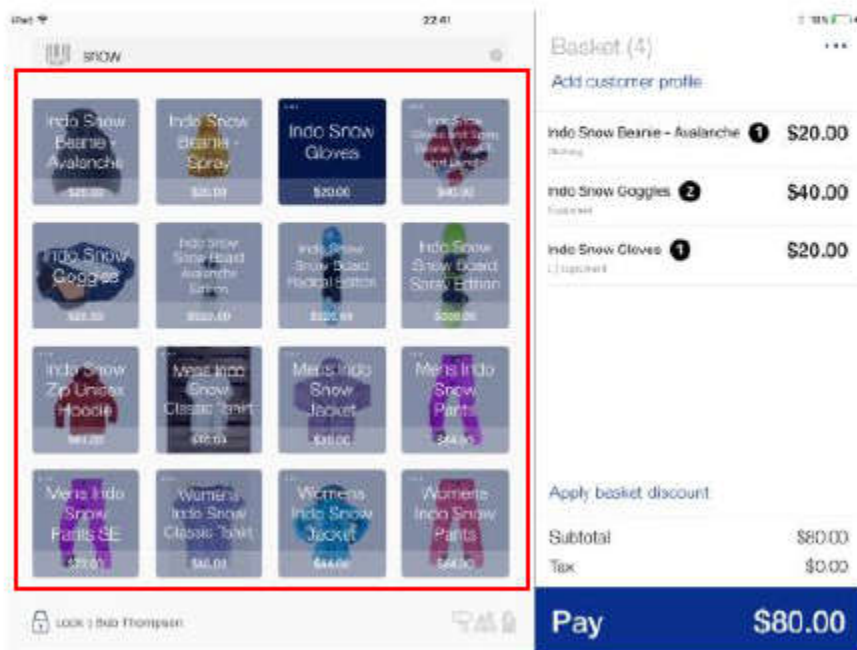| iPad model	iPadOS	iOS 12	iOS 11
12.9-inch iPad Pro (3rd generation)	✓	✓	
12.9-inch iPad Pro (2nd generation)	✓	✓	✓
12.9-inch iPad Pro (1st generation)	✓	✓	✓

Barcode scanners

We support the SocketScan S740 Universal Barcode Scanner. This is connected via bluetooth and can be purchased from POS Hardware or The Barcode Warehouse. You'll need to configure the scanner into iOS application mode which can be done reading through the Hardware Settings on the iPad App.

You can also find the same instructions here.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.

Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS
Source: https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required

16.   The Product comprises a mobile device (e.g., iPad, etc.) running Brightpearl POS and a portable handheld housing (e.g., SocketScan barcode scanner) and a communication interface configured to enable the mobile device to communicate with a communication network (e.g., communication interface of the mobile device enabling communication over Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

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The Brightpearl POS app can be run in any iPad supporting iOS 11 or above as well as iPadOS:

iPad model	iPadOS	iOS 12	iOS 11
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12.9-inch iPad Pro (1st generation)	✓	✓	✓

Source: https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required

17.   The Product uses a signal processing device (e.g., processor of iPad mobile device) which enables the communication network access (i.e. Internet). The Product comprises the visual input device (i.e., bar code scanner). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Source: https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required

18. The Product includes a visual input device (i.e., barcode scanner) supported by Brightpearl POS and affixed within the portable handheld housing. Certain aspects of this element are illustrated in the screenshots provided in connection with other allegations herein.

Source: https://help.brightpearl.com/hc/en-us/articles/213867106-Hardware-required
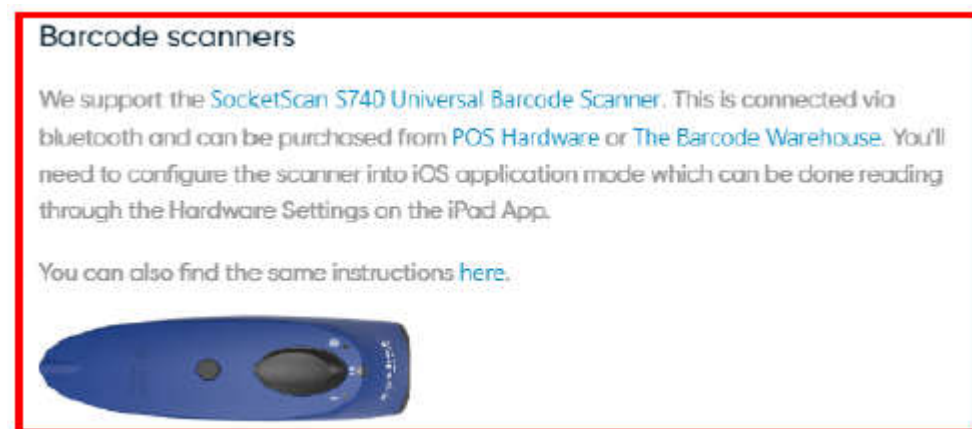
19. The Product comprises digital files (e.g., customized logos, item images, etc.) supported by Brightpearl POS and associated with the mobile device (e.g., iPad). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS
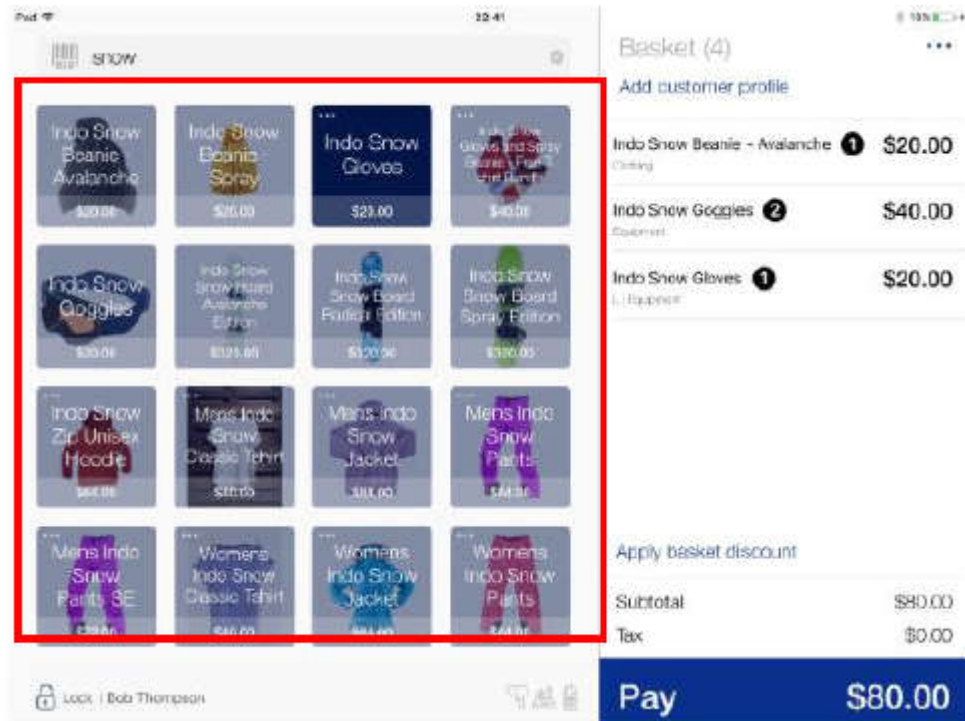
20.   The Product also includes a server accessed by Brightpearl POS in communication with the communication network (e.g., Internet). The server comprises a server database (e.g., cloud database that stores information corresponding to products) configured to store a look-up table (e.g., the POS database) which includes at least a plurality of symbologies (e.g., barcodes) associated with a plurality of articles of commerce (e.g., description of the products including SKU, barcode, category, brand, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Product inventory and additional information

After searching for a product you can view the inventory on hand across the associated products or the warehouses that you have set up for that store to be able to view the exact location details. You can access further information on the product such as description, price, SKU, barcode, category and brand. You can also view any images that you have associated with the product.

It sure does! You can take orders while you're on the move and sync them with Brightpearl when you're next online. To unlock the full features of Brightpearl POS, you need online access, but offline mode gives you the essential functionality that will tide you over until you next get connected.

POS has been designed to be easy to use and have intuitive functions where you would expect to find them.
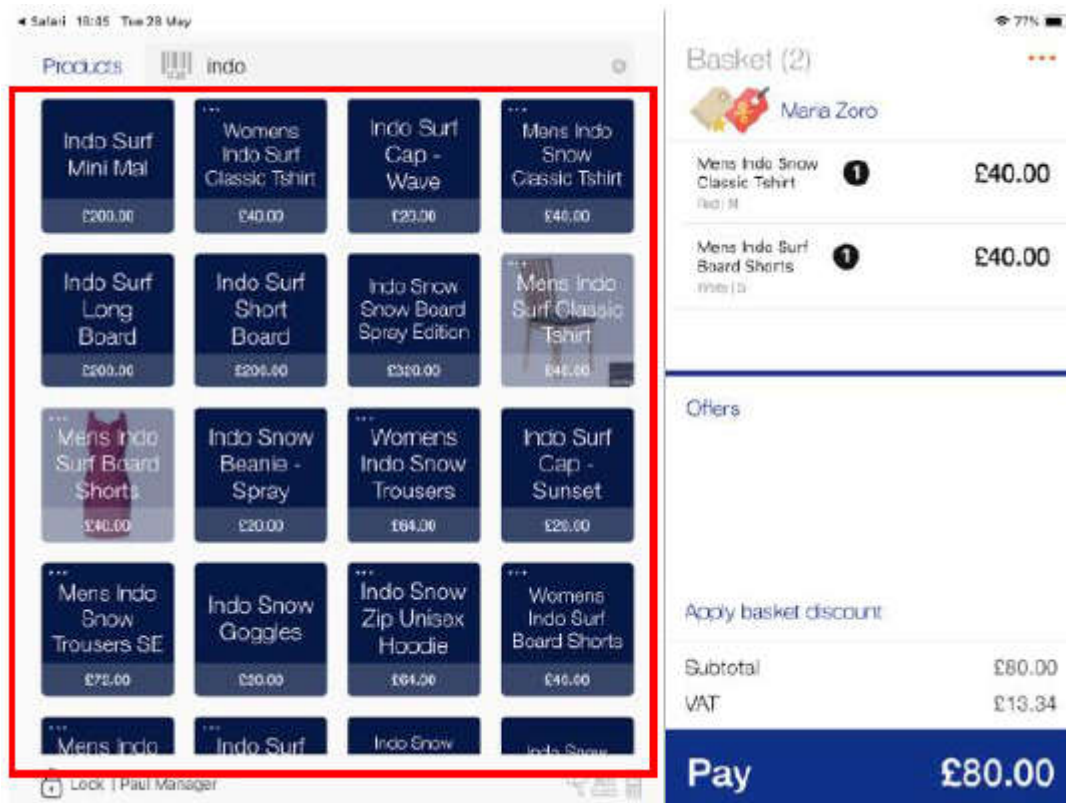
The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

Source: https://www.brightpearl.com/pos-software
Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS

21.   The look-up (e.g., the remote database accessed by Brightpearl POS) also stores a plurality of information link indicators (e.g., product on hand quantity, price, etc.) to information pertaining to an article of commerce (e.g., product size, color, in stock quantity, etc.). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS
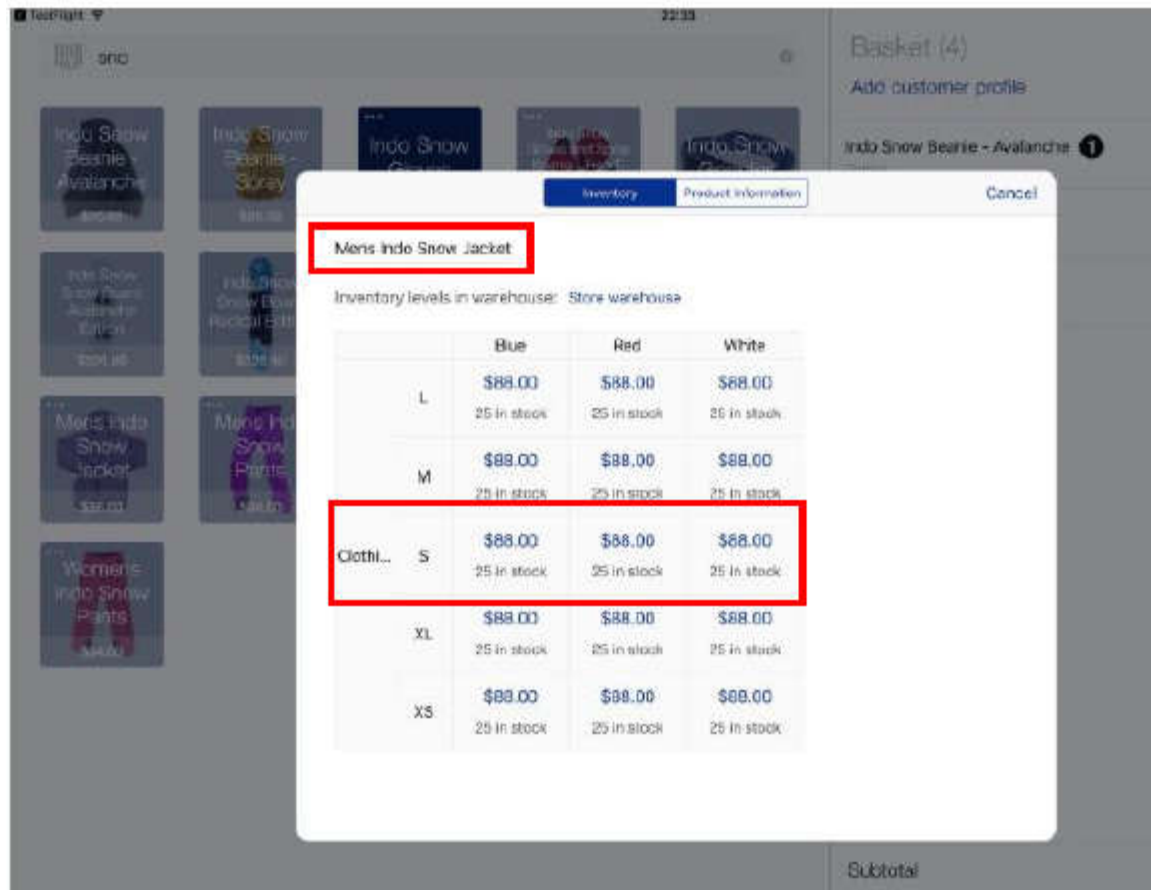
22.   Each information link indicator configured in Brightpearl POS (e.g., indication of availability of a product in inventory or out of stock "Available in Point of Sale i.e. On hand") is associated with a respective symbology (e.g., barcode number) and article of commerce (e.g., clothes). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

The main screen is split into two sections: a product look-up screen on the left and traditional till functionality on the right. As products are entered, either by scanning barcodes or typing details in, they will appear.

A quick tap on a product from the look-up screen will add it to the customer's order, referred to as their basket, and the breakdown of what the customer is due to pay will appear at the bottom-right of the screen.

Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS
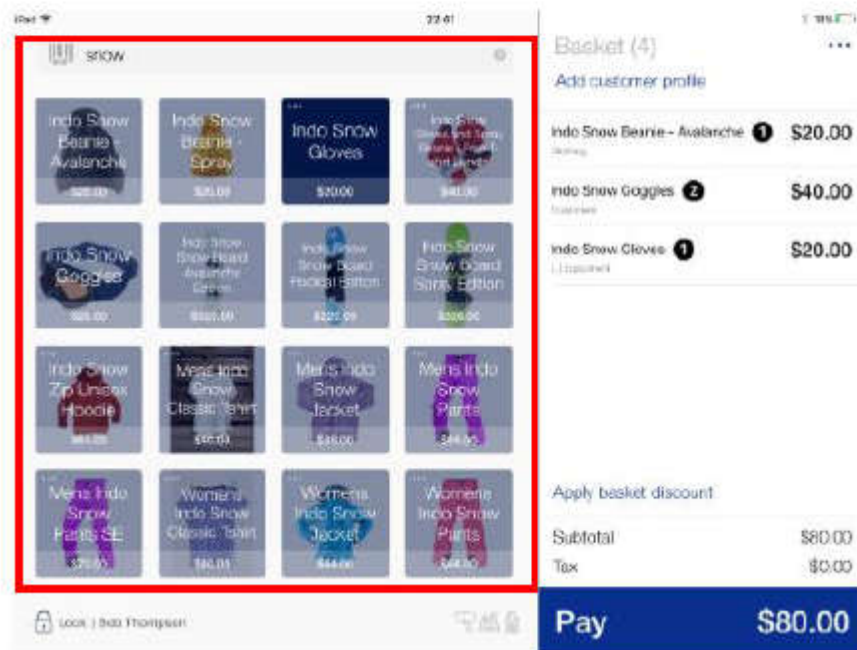
23.   Each information link indicator (e.g., "Available in Point of Sale i.e. in stock quantity" is configured as a status signal indicating the existence or absence of a link to information pertaining to a respective article of commerce and inventory can be tracked in terms of remaining or present quantity of products, the link being made to the information via the communication network (e.g., link to information about the product in POS is accessed using Internet). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.
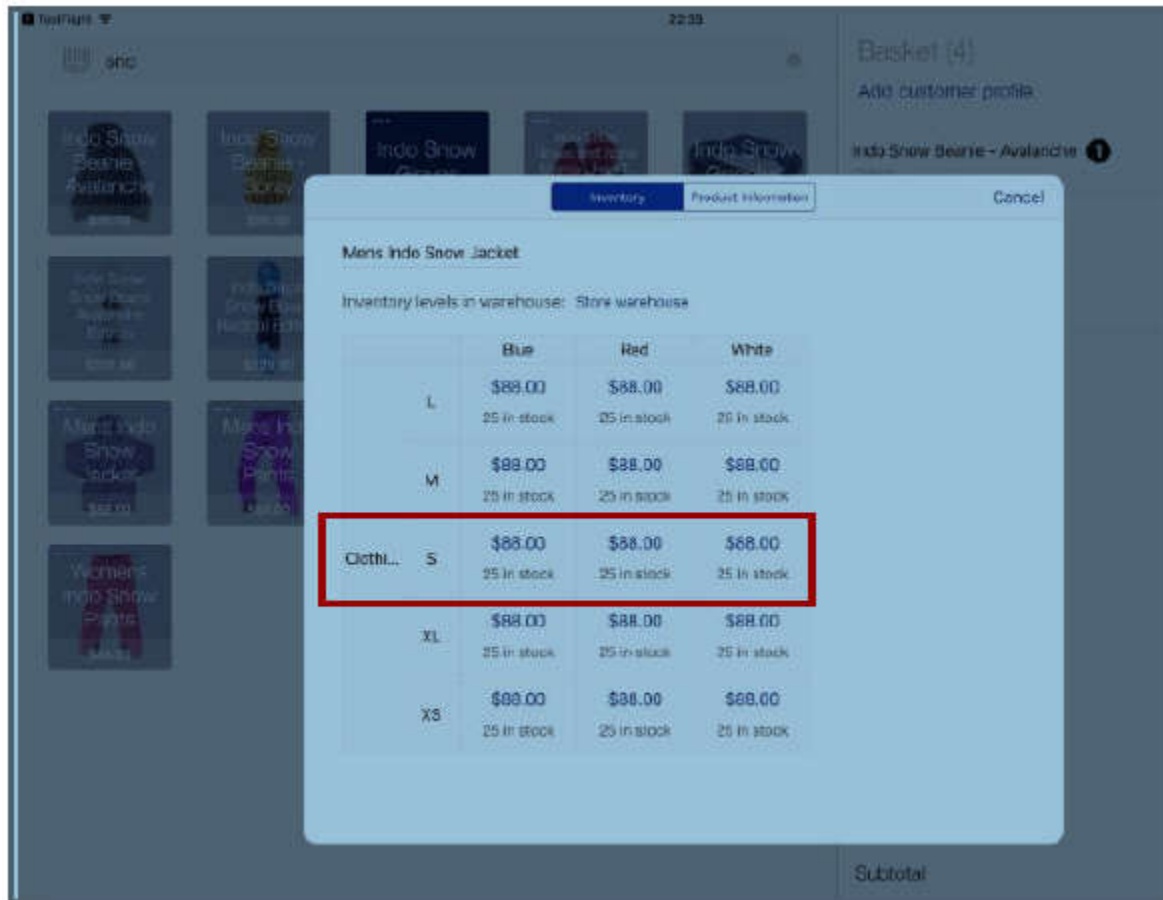
Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS

24.   The Product has a processor unit in mobile device (e.g., processor in iPad device) and visual input device for scanning the barcode of a product (i.e. barcode scanner) where Brightpearl POS accesses the barcode scanner. Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.
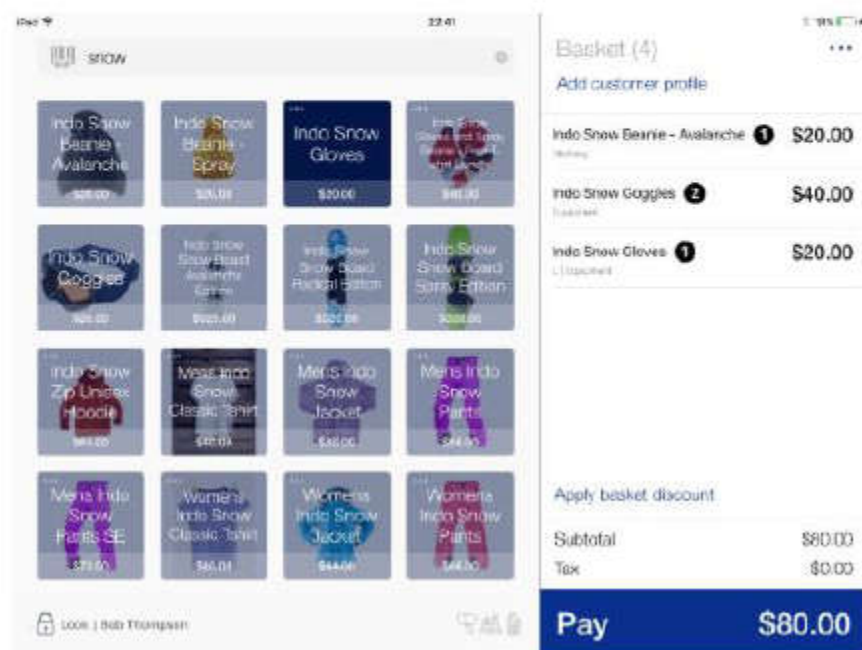
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Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS

25.   In Brightpearl POS, a mobile device accessed by the POS determines the

existence of a link related to the product and determines whether or not the link exists without accessing the communication network (e.g., cloud database in the mobile device which is running the Brightpearl POS). As shown in the screenshots, products have unique barcodes which can be scanned via barcode scanner and an associated quantity is displayed and inventory can be controlled by a user (i.e., inventory tracking for availability or count with on hold). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.
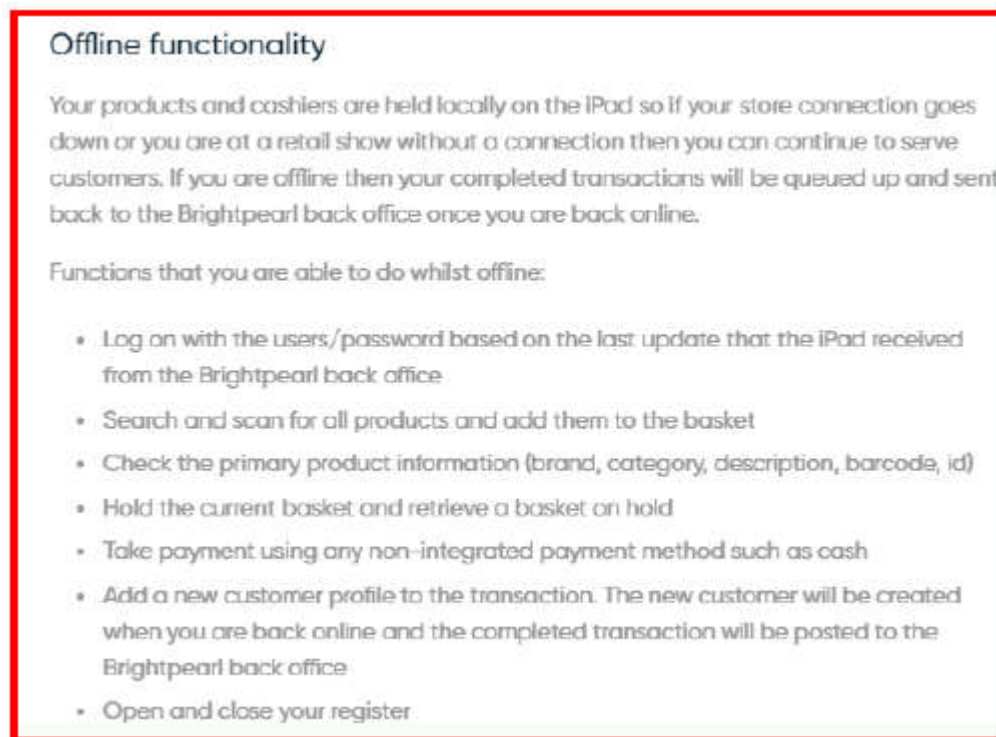

Source: https://www.brightpearl.com/pos-software
Source: https://help.brightpearl.com/hc/en-us/articles/215389263-Navigating-Brightpearl-POS

26.   The signal processing device accessed by Brightpearl POS determines whether or not the link exists without accessing the communication network (e.g., Brightpearl POS works in offline mode without accessing the Internet, to determine whether or not the link exists using information link indicator (i.e., "in stock quantity")). The mobile device accessed by the Brightpearl POS determines the existence of a link related to the product and determines whether or not the link exists without accessing the communication network (e.g., cloud database in the mobile device which is running the Brightpearl POS). Certain aspects of this element are illustrated in the screenshots below and/or those provided in connection with other allegations herein.

Offline functionality

Your products and cashiers are held locally on the iPad so if your store connection goes down or you are at a retail show without a connection then you can continue to serve customers. If you are offline then your completed transactions will be queued up and sent back to the Brightpearl back office once you are back online.

Functions that you are able to do whilst offline:

- Log on with the users/password based on the last update that the iPad received from the Brightpearl back office
- Search and scan for all products and add them to the basket
- Check the primary product information (brand, category, description, barcode, id)
- Hold the current basket and retrieve a basket on hold
- Take payment using any non-integrated payment method such as cash
- Add a new customer profile to the transaction. The new customer will be created when you are back online and the completed transaction will be posted to the Brightpearl back office
- Open and close your register

Online & offline POS system

To ensure you have access to the latest information such as up-to-date inventory, you need to be online so the related functions can access the Brightpearl back office in real-time. But even when you're offline, your products and cashiers are held locally in your iPad POS system, so if your store connection goes down or you're at a retail show without a connection, you can still serve customers.

Source: https://www.brightpearl.com/pos-software

27.   Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

28.   Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29.   Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a)   Enter judgment for Plaintiff on this Complaint on all causes of action asserted herein;

(b)   Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receive notice of the order from further infringement of United States Patent No. 9,934,528 (or, in the alternative, awarding Plaintiff a running royalty from the time of judgment going forward);

(c)   Award Plaintiff damages resulting from Defendant's infringement in accordance with 35 U.S.C. § 284;

(d)   Award Plaintiff pre-judgment and post-judgment interest and costs; and

(e)   Award Plaintiff such further relief to which the Court finds Plaintiff entitled under

law or equity.

Dated: February 14, 2020   Respectfully submitted,

/s/ Jay Johnson
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D. BRADLEY KIZZIA
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ATTORNEYS FOR PLAINTIFF

EXHIBIT A